

Marine Resources

PUBLIC 6 An Act To Achieve Compliance with the Interstate Lobster Fishery EMERGENCY Management Plan

LD 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP	

Public Law 2005, chapter 6 strikes existing language that prevents Maine from enforcing a larger minimum size for lobster than 3 8/32 inches except in the case of contingent action by the Federal Government and other New England states. It adds new language that requires an individual who possesses both a Maine lobster and crab fishing license and a federal limited access lobster permit to comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the person's license wherever the fishing occurs.

Public Law 2005, chapter 6 was enacted as an emergency measure effective March 18, 2005.

PUBLIC 26 An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws

LD 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP A	
EDMONDS	OTP-AM B	
	ONTP C	

Public Law 2005, chapter 26 creates a definition for "established base of operations" in the marine resources statutes and amends the definition of "registered vessel" to include a vessel that has an established base of operations within the State. It also amends the definition of "rigged" to allow the Commissioner of Marine Resources to adopt rules to further define what equipment is necessary to have on board for a vessel to be considered "rigged."

PUBLIC 27 An Act To Provide for a Limited Sea Cucumber Fishery

LD 602

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER	OTP-AM	H-38

Public Law 2005, chapter 27 creates a sea cucumber drag license. It requires the Commissioner of Marine Resources to establish by rule a fee of no more than 20¢ for every 100 pounds to be paid monthly by wholesale seafood license holders who purchase sea cucumbers. It requires that the fees be deposited in the Sea Cucumber Management Fund and used to research and manage the sea cucumber fishery. The law gives the commissioner authority to adopt rules to promote the conservation and propagation of sea cucumbers, including, but not limited to, the establishment of management areas, and it establishes a protocol for license holders to change management areas. The law establishes a limited entry system for the sea cucumber fishery, under which the commissioner may issue a sea cucumber drag license to a person only if that person possessed a license in the previous calendar year or becomes eligible to obtain a sea cucumber drag license through limited entry requirements to be established by rule.

Marine Resources

**PUBLIC 44 An Act To Provide Public Health Protection Authority to the
Department of Marine Resources**

LD 691

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP MAJ ONTP MIN	S-45 DAMON

Public Law 2005, chapter 44 gives the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect public health. The law clarifies that rulemaking to close contaminated or polluted flats does not require the advice and consent of the advisory council.

**PUBLIC 56 An Act To Allow the Department of Marine Resources To Preserve
EMERGENCY and Protect Burnt Island and Burnt Island Living Lighthouse and
To Regulate Their Use**

LD 595

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BISHOP DOW	OTP-AM	H-105

Public Law 2005, chapter 56 provides the Commissioner of Marine Resources with the authority to adopt rules to protect and preserve Burnt Island and the Burnt Island Living Lighthouse, as well as rules necessary to successfully implement the Department of Marine Resources' educational and recreational programs conducted on the island.

Public Law 2004, chapter 56 was enacted as an emergency measure effective April 21, 2005.

PUBLIC 92 An Act To Amend the Laws Governing Aquaculture

LD 836

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM	H-159

Public Law 2005, chapter 92 allows an aquaculture lease to continue beyond its expiration date until the commissioner makes a decision regarding lease renewal if a renewal application has been submitted. It provides the same restitution provisions for intentionally damaging approved aquaculture gear on standard leases and limited-purpose leases as currently exist for limited-purpose licenses, and it eliminates the \$500 upper limit of a fine on the civil violation for intentionally damaging approved aquaculture gear on a limited-purpose license. It exempts an individual who holds a limited-purpose aquaculture license from any requirements regarding time of taking or possessing and minimum or maximum size for organisms cultivated on the individual's lease areas. The law eliminates the authority of the Commissioner of Marine Resources to establish by rule a fee schedule for the production of shellfish on a lease site. It amends the purpose of the Aquaculture Advisory Council to make recommendations on expenditures from the Aquaculture Management Fund, as well as other matters of interest to the aquaculture industry. The law also makes a violation of the Maine Revised Statutes, Title 12, chapter 605, General Department Activities, a civil violation, unless another penalty is provided.

Marine Resources

PUBLIC 102 **An Act To Reauthorize Funding for the Lobster Promotion Council** **LD 793**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PERCY	OTP-AM	S-86

Public Law 2005, chapter 102 continues to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2020.

PUBLIC 160 **An Act To Reestablish the Ban on Dragging in the Taunton River** **LD 576**
EMERGENCY **Area**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-109 DAMON S-94

Public Law 2005, chapter 160 reestablishes the prohibition on dragging in the Taunton River area that ended on March 1, 2005, and extends the prohibition to July 1, 2008. It provides an exception to the prohibition on dragging for research activities that are authorized by the Commissioner of Marine Resources and requires the Department of Marine Resources to submit a science-based comprehensive resource management plan for the Taunton River area to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 12, 2007.

Public Law 2005, chapter 160 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 171 **An Act To Adopt Recommendations of the Soft-shell Clam** **LD 1184**
 Advisory Council

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON SMITH N	OTP-AM	S-147

Public Law 2005, chapter 171 grants certified municipal shellfish conservation wardens the authority to enforce the state law that prohibits taking shellfish from areas closed by state regulation. It clarifies that the penalties for harvesting from a closed area provided under Title 12, section 6671 are for harvesting from an area that has been closed by a municipality for conservation purposes. The law establishes different fine schedules for recreational harvesters and commercial harvesters for harvesting from an area closed by a municipality for conservation purposes, for harvesting without a municipal shellfish license and for harvesting shellfish in violation of a license restriction. The law also specifies that a court may not suspend a fine that has been imposed and may not impose a penalty other than monetary payment of the fine imposed for a violation of a municipal shellfish conservation ordinance, for harvesting without a license or for harvesting in violation of a license restriction.

Marine Resources

PUBLIC 202 An Act To Expand the Authority of Maine's Lobster Management Policy Councils

LD 895

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PINGREE	OTP-AM	S-153

Public Law 2005, chapter 202 grants lobster management policy councils the authority to propose zone-specific rules, upon approval in a referendum in the management zone in which the rules would apply, to increase the enrollment period of the apprenticeship program, to require a sponsor of an apprentice to have held a lobster license for at least 5 years and to limit entry to a zone to persons who have apprenticed in the zone. This authority is granted retroactively to January 1, 2005. The law clarifies the application of new zone-specific rules to apprentices enrolled in the program when a new rule takes effect.

PUBLIC 203 An Act To Regulate the Use of Alternative Bait in Marine Fisheries EMERGENCY

LD 527

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON DUGAY	OTP-AM	S-148

Public Law 2005, chapter 203 authorizes the Commissioner of Marine Resources to regulate the use of alternative bait in marine fisheries and defines alternative bait as bait that does not naturally originate from the ocean. Effective January 1, 2006, the law prohibits the use of offal as bait for lobster or crabs. The law defines offal as the carcass, waste parts, renderings or remains of a wild or domestic animal that is not a marine organism, except for animal hide from which the hair has been removed.

Public Law 2005, chapter 203 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 233 An Act Regarding Shellfish Harvesting

LD 1250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-170

Public Law 2005, chapter 233 establishes a reduced shellfish license fee for persons 70 years of age or older. The reduced fee is \$57.50, which is 50% of the standard shellfish license fee. This is modeled on the Class I lobster license fee law, which provides a similar discount for persons 70 years of age or older.

Marine Resources

PUBLIC 239 An Act To Amend the Lobster Fishing Laws of Maine

LD 1510

<u>Sponsor(s)</u> DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-183
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Public Law 2005, chapter 239 amends the laws governing lobster and crab fishing in the following ways:

1. It amends the definition of "full-time student" for determining eligibility for a student lobster and crab fishing license.
2. It removes the December 31, 2005 repeal on the trap tag laws, strikes outdated language regarding initial trap tag allocations and clarifies that the maximum number of trap tags allowed is the number of traps allowed under the lowest trap limit for the zones identified on the person's license.
3. It requires that a lobster and crab fishing license identify the declared lobster zone in which the license holder is authorized to fish a majority of that person's traps and identify all other zones in which the person is authorized to fish. It specifies that a majority of a person's traps must be determined by the number of trap tags issued. It clarifies that a person may not place any traps in a zone that is not identified on that person's license.
4. It provides that, effective April 1, 2005, when a lobster management policy council proposes to the commissioner a change in an established exit ratio, the commissioner shall allow a person to enter the zone if that person has completed the apprentice program and is on the waiting list by the date the commissioner is notified of the proposed change. It provides that, effective October 1, 2004, when a zone proposes an exit ratio for the first time, the zone may propose a provision to exempt from the ratio, upon completion of the apprentice program, a person who has completed at least 92% of the requirements of the program by the date the commissioner is notified of the proposed ratio.
5. It requires that 1 of the 3 lobster and crab fishing license holders on the Lobster Advisory Council be a noncommercial license holder.
6. It provides that the members of the lobster research, education and development board may be reimbursed for travel expenses for board meetings.
7. It creates an exception to allow persons registered for Monhegan Lobster Conservation Area trap tags to work as crew members outside the Monhegan Lobster Conservation Area.
8. It amends the wholesale seafood license with lobster permit law to prevent individuals from possessing or transporting lobster they have taken unless they possess a Class I, II or III or student lobster and crab fishing license. It clarifies that lobster and crab fishing license holders may transport lobsters they have not taken if they are using the vessel declared on their license.
9. It amends the lobster tail permit law to prohibit the processing of portions of lobster tails.

Marine Resources

**PUBLIC 434 An Act To Amend Maine's Shellfish Laws To Maintain
Compliance with Federal Law and Protect Maine's Shellfish
Industry**

LD 1449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM MAJ	H-351
MAYO	ONTP MIN	H-436 PERCY
		S-190 DAMON

Public Law 2005, chapter 434 makes changes to the shellfish harvesting statutes to bring Maine law into compliance with the U.S. Food and Drug Administration, National Shellfish Sanitation Program regulations.

1. It changes the activities permitted under commercial shellfish licenses, mahogany quahog licenses, quahog licenses, hand-raking mussel licenses and mussel boat licenses to limit those license holders to selling only to wholesale seafood license holders certified under the Maine Revised Statutes, Title 12, section 6856.
2. It eliminates the ability of a commercial shellfish license holder to shuck shellfish in the license holder's home and to sell those shucked shellfish from the home in the retail trade but allows a commercial shellfish license holder to sell shellstock from that license holder's home in the retail trade. It also eliminates the ability of a commercial shellfish license holder to send shellfish by common carrier.
3. It requires retail seafood license holders, including restaurants, to purchase shellstock and shucked shellfish only from wholesale seafood license holders certified under Title 12, section 6856.
4. It authorizes the Commissioner of Marine Resources to adopt rules to establish requirements for retail seafood license holders concerning sanitation and quality control standards, methods for handling, shipping and transporting shellfish, records and reports, labeling of shipments and protecting public health.
5. It corrects an inaccurate reference to the annual date on which shellfish sanitation certificates expire.
6. It adds mahogany quahogs, other quahogs, hand-raked mussels and dragged mussels to the licenses under which the holder must tag shellstock with a harvester's tag. It eliminates the exemption of shellfish license holders certified under Title 12, section 6856 from having to tag their shellfish at the time of harvest.
7. It allows the Department of Marine Resources to make the summary description of municipal shellfish ordinances available to the public in ways other than publication in a trade or industry journal.
8. It repeals the seafood products inspection program.
9. It requires the Department of Marine Resources to develop a tiered wholesale seafood dealer's license based on the amount of seafood that a wholesale seafood dealer handles and to report back to the Joint Standing Committee on Marine Resources with its recommendations, including any proposed legislation, no later than January 13, 2006.

Marine Resources

**RESOLVE 58
EMERGENCY**

**Resolve, Regarding Legislative Review of Portions of Chapter 2:
Aquaculture Lease Regulations - Lighting Standards and Noise
and Visual Impact Standards, a Major Substantive Rule of the
Department of Marine Resources**

LD 1619

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-408

Resolve 2005, chapter 58 approves Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a major substantive rule of the Department of Marine Resources.

Resolve 2005, chapter 58 was passed as an emergency measure effective May 26, 2005.